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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,301	10/31/2003	Catherine Kalke	6541-63038	2701

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EXAMINER	
TRAN, CONGVAN	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,301	KALKE, CATHERINE	
	Examiner	Art Unit	
	CongVan Tran	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-16, 18-29, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenberg et al. (6,628,934).

Regarding claims 1, 9. 15, 16, 18-19, 21-22, and 24, Rosenberg discloses systems and methods for automatically provisioning wireless services on a wireless device, comprising computer-executable instructions for performing the following to achieve automated provisioning for a mobile wireless device in a wireless communications network support system (see fig.4 and its description):

receiving an indication of one or more subscriber-desired services, wherein the subscriber-desired services are selected by the subscriber via an electronic user interface (see fig.4, elements 47-50, col.9, and its description);

translating the indication of the subscriber-desired services into associated provisioning directives (see fig.4, element 48, col.9, and its description); and

sending the associated provisioning directives to provisioning elements within the wireless communications network support system to achieve provisioning for the subscriber-desired services (see abstract, fig.4, element 49, col.9, and its description).

Regarding claim 2, Rosenberg further discloses the electronic user interface comprises a web-browsing user interface (see fig.1, element 30b, 32 fig.4, elements 47, 51, col.1-2, and its description).

Regarding claim 3, Rosenberg further discloses a wireless communication network is supported by the wireless communications network support system; and the associated provisioning directives are sent to provisioning elements behind the wireless communication network from the perspective of the mobile wireless device (see fig.1, elements 30-31, and its description).

Regarding claim 4, Rosenberg further discloses the electronic user interface comprises a user interface presented by the mobile wireless device (see fig.4, element 47, and its description).

Regarding claims 5-6, Rosenberg further discloses the mobile wireless device is unactivated (see fig.4, 49, col.9, and its description).

Regarding claim 8, Rosenberg further discloses the subscriber-desired services comprise enrolling in a transactional electronic payment system for premium services (see fig.4, element 52, col.9 and its description).

Regarding claim 10, Rosenberg further discloses the subscriber-desired services comprise subscribing to an image center (see fig.1, col.1-2, and its description).

Regarding claim 11, Rosenberg further discloses the subscriber-desired services comprise game functionality (see fig.1, col.1-2, and its description).

Regarding claim 12, Rosenberg further discloses the subscriber-desired services comprise text-messaging functionality (see fig.1, col.1-2, and its description).

Regarding claim 13, Rosenberg further discloses the subscriber-desired services comprise unified messaging functionality (see fig.1, col.1-2, and its description).

Regarding claim 14, Rosenberg further discloses the subscriber-desired services comprise subscribing to a subscription-based assistance program (see fig.1, fig.4, and its description).

Regarding claims 20. 28, Rosenberg discloses systems and methods for automatically provisioning wireless services on a wireless device, comprising:

a translation engine operable to translate indications of one or more subscriber-desired services into associated provisioning directives (see fig.4, element 48 and its description); and

a real time provisioning engine operable to send the associated provisioning directives within the wireless communications network support system, the real time provisioning engine being operable to thereby achieve automated provisioning for the one or more subscriber-desired services (see abstract, fig.4, element 41 and its description).

Regarding claims 23. 27, Rosenberg discloses systems and methods for automatically provisioning wireless services on a wireless device, comprising:

establishing a connection between the unactivated mobile wireless device and a user interface generator operable to receive from the unactivated mobile wireless device an indication of services desired (see fig.4, element 47, 49, fig.5 and its description); in software, translating the indication of services desired to appropriate provisioning directives (see fig.4, element 48 and its description); and sending the provisioning directives to appropriate elements within a mobile wireless network support system to effect automated activation and provisioning for the unactivated mobile wireless device(see abstract, fig.4, element 48 and its description).

Regarding claim 24, 29 Rosenberg discloses systems and methods for automatically provisioning wireless services on a wireless device, comprising:

placing indicia of information for activating the mobile wireless device with a distribution package comprising the mobile wireless device (see fig.4, elements 47-50, col.9, and its description); and upon receipt of the indicia in an automated system, activating the mobile wireless device (see fig.4, element 48, col.9, and its description); wherein receipt of the indicia can be achieved via a web browser interface or via a user interface of the mobile wireless device (see abstract, fig.4, element 49, col.9, fig.1, element 30b, 32 fig.4, elements 47, 51, col.1-2, and its description).

Regarding claim 25, Rosenberg further discloses upon receipt of the indicia, recording an indication that a commission is to be paid to the distributor (see fig.4, col.9 and its description).

Regarding claim 26, Rosenberg further discloses receipt of the indicia comprises receipt of the indicia by a computer system sharing a translation engine operable to

translate one or more user-desired services to associated provisioning directives between communications from both web browsing users and users operating a user interface of a mobile wireless device (see fig.4, element 48, 51 and its description).

Regarding claim 34 Rosenberg discloses systems and methods for automatically provisioning wireless services on a wireless device, comprising: an unactivated mobile wireless device (fig.4, element 49 and its description); and indicia of data operable for activating the device via the device itself when the data is provided to an activation server via the device and operable for activating the device via a wired web session when the data is provided to the activation server via the wired web session (see fig4, element 48, 51 col.1-2, col.9 and its description).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (6,628,934) in view of Wandermeijden (2004/0066920).

Regarding claim 7, Rosenberg discloses all the subject matters described in rejected claim 1, except for subscriber-desired services comprise a ring tone feature. However, Wandermeijden discloses a method and apparatus for automatically populating a contact data base in a mobile communication device comprising a ring tone feature (see paragraph [0046]). Thus, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to use the Wandermeijde's ring tone feature in Rosenberg's invention to modify the ring feature of the device in purpose of easing to recognize the caller who is calling.

5. Claims 17, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (6,628,934) in view of Wendelrup (2001/0011028).

Regarding claim 17, Rosenberg discloses all the subject matters described in rejected claim 1, except for the subscriber-desired services comprise voice activated dialing. However, voice activated dialing is well known in telecommunication services in order to provide the convenience for consumers and also discloses in Wendelrup's reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Harold-Bank can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CONGVAN TRAN
PRIMARY EXAMINER

CongVan Tran
Primary Examiner
Art Unit 2617

Jun 09, 2006